

Supervisor Mark Illig called the regular meeting of the Pulteney Town Board to order at 7:00 PM on Wednesday, June 14, 2023, at the Pulteney Town Hall with the Pledge of Allegiance.

Roll call: Supervisor Mark Illig; Councilman Kathleen Burns; Councilman Richard Rees; Councilman Elizabeth White; Councilman Tammy Tones; Attorney Jennifer Galvan; Highway Superintendent Terry Gibson; Bookkeeper Rebecca Welch; and Town Clerk Erica Button.

Bill Weber took a moment to reflect and speak of the recent passing of Jeff Hamilton and Nancy Snyder. Bill has known Jeff since his early high school years and would hang out with Bill's kids while Bill and Jeff's dad, Phil, would be working on projects. Bill remembered the time when Jeff was snowmobiling and broke his arm on the starter cord recoil. After high school, Jeff moved to Rochester and Bill had not seen him until he returned home living on CR 78. Jeff had not been in good health and passed at the young age of 61. Bill will remember the fond memories and miss him. Nancy Snyder was the grand lady and icon of Pulteney that Bill would be surprised if she was not known to everyone in Town, especially those she came in contact with as a nurse and EMT with the volunteer ambulance corp. As a patient, he remembers Nancy being a kind but no fooling nurse! She was extremely helpful to others as he remembers seeing her at Kay Tietjen's helping care for her from time to time. Her daughter Teresa would ride with his son Arthur to school every morning when they were able rather than taking the bus. Nancy was simply amazing and is a huge loss for the Town. They both will be fondly remembered, and sadly missed by many. On a happier note, Bill congratulated and thanked Councilman Burns for being in charge of a wonderful Memorial Day celebration. It was a great turn out and Councilman Burns and Clerk Button have received several positive comments with the highlight of having the band in attendance again this year.

Councilman White made motion seconded by Councilman Burns to accept the minutes of the May 10, 2023 regular Board meeting. All in favor. Carried.

To begin with finances, Supervisor Illig pointed the Board to the Water Balance Sheet in the amount of \$13,587.97. The total amount of vouchers for this month in the Water District is \$24,182.90. After discussing reallocating ARPA funding last month, the Board recommended researching further if in fact we can rightfully reallocate funds from the General Account into the Water District. Bookkeeper Welch had gathered some documentation that was emailed to the Board prior to this evening. Supervisor Illig read a section from the US Dept of Treasury that he believes the interpretation leads to the ability to reallocate. Councilman White disagreed and through her research found several documents, including the Final Rule, that she interpreted the "big dig" repair/maintenance and is not eligible currently for funds to be reallocated. Councilman Rees through his research believes that the "big dig" was a failure of infrastructure in the Water District, not just a normal leak and repair, and was a water quality health concern. Councilman Burns agrees with Councilman White that it appears, although not clear cut, in the documentation that we cannot reallocate funds to the Water District due to the "big dig". She has continuously been looking for sources of funding to assist but without getting permission and the documentation unclear it is hard to know how to interpret the correct way. If the Board had the foresight of such an in depth expensive project when originally allocating ARPA funding, funds could have been used at that point.

Councilman Tones agrees to tread lightly and get an expert opinion to ensure we are using the funds in the correct legal manner. Bookkeeper Welch has not been able to find anyone to specifically contact. It was agreed upon that Supervisor Illig will contact Congressman Langworthy's office who should be able to in turn put us in touch with the US Treasury to get guidance and clarity. Also, Councilman White will seek out contact info for the US Treasury. It was agreed that if the Treasury gives us approval, we can move forward reallocating funds from the General to the Water District due to the "big dig" project. It was also agreed overall the "big dig" can be considered an infrastructure failure.

Since further research is needed, not all vouchers can be paid in the Water District this month: Voucher No. 23-59 to Marchionda Excavating and voucher No. 23-64 to the Village of Penn Yan (a 24% late fee will be assessed) will need withheld at this time. Councilman White made motion seconded by Councilman Burns to pay Water District #1 Bills in the amount of \$5,226.98 being vouchers No. 23-53 to No. 23-67 with the exception of vouchers 23-59 and 23-64. Roll call vote: Councilman Tones, yes; Councilman Burns, yes; Councilman Rees, yes; Councilman White, yes; Supervisor Illig, yes. Carried.

Councilman Tones made motion seconded by Councilman Rees to pay General Bills in the amount of \$7,464.17 being vouchers No. 23-88 to No. 23-113. Roll call vote: Councilman Tones, yes; Councilman Burns, yes; Councilman Rees, yes; Councilman White, yes; Supervisor Illig, yes. Carried.

Councilman Burns made motion seconded by Councilman Tones to pay Highway Bills in the amount of \$17,125.69 being vouchers No. 23-98 to No. 23-113. Roll call vote: Councilman Tones, yes; Councilman Burns, yes; Councilman Rees, yes; Councilman White, yes; Supervisor Illig, yes. Carried.

There are no transfers at this time and the P&L statements and balance sheets were provided to review.

The Highway, Water Department, Municipal Services, and DCO reports were available to review.

Clerk Button reported the rabies clinic held Thursday, June 1st went very well vaccinating 29 dogs and 2 cats which was on average from the previous year. Thank you to Highway Supt. Gibson for traffic control and use of the Town Barn. In addition, the final tax collection check to the Town was written closing the tax account for the year.

Municipal Services Manager Welch commented he is working on Zone 1 inspections currently. Count wise, there is an increase in 4 building permits compared to last year.

Supervisor Illig pointed out in the Water report, monthly THM (chlorine added to the water to kill bacteria) results came in at 144 UG/L which is considered a major red flag and not in compliance with the DOH. Results should be approx. 80 UG/L. This high result is due to our suppliers, Town of Jerusalem and Village of Penn Yan, changing their flushing system and have not gotten the timing of their flushing schedules in sync. With the Pulteney Water District being last in the line of water transmission, the THM's are staying in the system longer, becoming "stale" and by the time W.O. Dluzak is taking samples, the tests are coming in way over the limit. W.O. Dluzak has reported these results to the DOH and will be addressing the issue, meanwhile submitting a report, along with the Town of Jerusalem and Village of Penn Yan, on how they propose to lower the

results and a plan to correct in moving forward. In addition, information and numbers were provided to the Board of significant increases in the operating and capital cost rates being charged by the Village of Penn Yan. W.O. Dluzak attended a spring budget meeting the end of May that discussed, in line with Penn Yan's fiscal year being June 1-May 31, there will be a capital charge of \$27,764.00 and based on estimated usage a charge of \$53,570.00 totaling: invoices in the next year from Penn Yan \$81,334.00. We have \$41,300.00 budgeted so the actual unexpected increase would be \$40,034.00. Based on 430 customers, the increase in costs being charged by Penn Yan water rates will increase our rates \$133.27 quarterly and \$533.08 yearly. Supervisor Illig believes this is the 1st time we are being charged the contractual 5.99% of capital costs as Penn Yan has not had a capital project to justify the charge. Therefore, they are within their rights to charge us, however especially as we run on a calendar year fiscally, this major increase is not only in the middle of the year but very unexpected. Councilman Burns pointed out the quarterly water rate in 2014 was \$136.00 so it will not be unheard of to have rates increase to that amount again.

Supervisor Illig mentioned our Assessor Apprentice is working out well. The BAR met Thursday May 25th for Grievance Day.

Highway Superintendent Gibson reported the Dept. has been busy mowing roadsides, grading and dust oil. They have roads that get stone and oil ready to go and will be doing this week weather dependent. He had the County install some guard rail on Brown Road. The pipe for Chidsey Hill was delivered and the replacement will be done in July. He and Jason attended Highway school in Ithaca recently that held several informative classes. He has a meeting this Friday or Monday with Tom Johnson who is retired from the County to get some guidance on Tobey Road.

Supervisor Illig commented there were a group of pickleballers that were extremely pleased and complimentary of our courts and surrounding area as everything looks so well maintained. It is a team effort, and Supervisor Illig thanked those involved.

Councilman Rees mentioned his concerns of the NYSEG power grids in Pulteney and the re-occurring countless hours residents are without power, similar to the most recent event. The Board agreed.

Attorney Galvan reported she has an update on the pending litigation that will be discussed in executive session.

There was a Planning Board meeting this past Monday the 12th with 1 scheduled public hearing. The next scheduled Zoning Board of Appeals meeting will be July 18th with 1 public hearing.

Under old business, Supervisor Illig reported he is going to make another attempt in discussing STR's with the KWIC/KLOC Board at their July meeting. He is convinced it would be best to address as a community of the 8 municipalities that border the lake, rather than each Town regulating on their own. If Steuben and Yates Counties were to provide some of the tourism funding, this would help KWIC/KLOC form a group. He believes if the Town of Pulteney were to regulate on our own, we would be met with overwhelming opposition. He will address the Commissioners to reconsider in July and if they still have a lack of interest, will bring back to the Pulteney Town Board at the August meeting to further discuss how to move forward. Stay tuned.

Continuing under old business, Supervisor Illig noted there remains openings for an alternate and full-time member on the Zoning Board of Appeals. He would like to

hopefully get volunteers that live in an area other than on the lake for a more diverse residential group. The Board will continue to work to find appropriate volunteers.

Provided to the Board, was a letter Supervisor Illig wrote and sent to North Country Contractors who were the installers of the Water District. The original contract was found, but was vague if they could be held responsible for the major leak that led to the “big dig”. As noted, the connection was installed at 20ft rather than the appropriate 4ft. The depth of excavation caused the main expense to fix the leak. He has written to the company in hopes of a response in favor of them taking some responsibility, however doubtful with the District being installed in 2006.

Next on the agenda, as discussed last month, the Pulteney Fire District Board of Fire Commissioners is requesting that the Town of Pulteney consider passing a Local Law giving Firefighters up to a 10% reduction in their real property taxes. Attorney Galvan provided a draft proposal that was largely based on the state statute that the County has adopted. The Board reviewed the document, revised as they felt necessary, and Attorney Galvan will present a formal document at the July meeting, if approved the Board will schedule a public hearing at the August Board meeting. This will only affect approx. 4 of our Firemen, however they should be given the exemption opportunity.

As Bill Weber had reflected on the passing of Nancy Snyder, this also now leaves our Town Health Officer position vacant. Supervisor Illig has a candidate in mind, will discuss with her and recommend at the July meeting.

Assessor Oliver provided to the Board his annual chart comparison of Hammondsport, Urbana, Pulteney, and Wayne assessed value for Village/Town/County/School tax information based on the 2022 assessment roll for the Board’s review. Since our latest reassessment, the values bring us closer to about even with Wayne’s rates.

Supervisor Illig asked if anyone from the public had any comments/questions? With nothing heard, he announced there is a need for an executive session, all are welcome to stay until after the session but no further business will take place. Supervisor Illig made motion seconded by Councilman Rees to adjourn the regular meeting and enter into an executive session. All in favor. Carried. Councilman Burns made motion seconded by Councilman Tones to close the executive session and resume the regular meeting. All in favor. Carried. Supervisor Illig made motion seconded by Councilman Burns to adjourn the regular meeting. All in favor. Carried. Meeting adjourned at 8:27 PM.

Erica Button, Town Clerk

